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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,203	07/11/2001	Andrew N. Brodersen JR.	EH-10375A	1503
30188 7590 PRATT & WHITNEY 400 MAIN STREET MAIL STOP: 132-13 EAST HARTFORD, CT 06108			EXAMINER HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3691	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/903,203	BRODERSEN ET AL.	
	Examiner	Art Unit	
	Lalita M. Hamilton	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 8-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05142004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

The Applicant has elected group I, claims 1-7 with traverse. Claims 8-35 are being withdrawn from consideration. At the time of filing on December 11, 2006, the Applicant had not filed arguments traversing the restriction requirement.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 4-5, the conditional statements render the claims indefinite. It is unclear what is to happen if the condition does not occur.

Claims 2-3 and 6-7 are rejected for their dependency upon rejected claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Calonge (7,072,857).

Calonge discloses a method for marketing components or services comprising (a) receiving a request for a requested component or service from a customer with criteria information for the component or service, (b) determining whether the requested component or service is available to be provided to the customer, (c) if the requested component or service is available to be provided to the customer, offering the requested component or service to the customer, (d) if the requested component or service is not available to be provided to the customer, conducting a reverse auction for the requested component or service among a plurality of suppliers, (e) receiving bids from two or more suppliers that offer to sell an offered component or service in response to the request for the requested component or service, (f) comparing criteria information for each offered component or service with criteria information for the requested component or service to determine if the offered component or service approximately meets criteria information for the requested component or service, (g) if one or more offered component or service approximately meets criteria information for the requested component or service, selecting which offered component or service to offer to the customer, and (h) offering the selected offered fit component or service to the customer (col.2, lines 8-19 and col.6, line 25 to col.7, line 20); one or more of steps (a), (c), (d), (e), and (h) is executed on a web-based system (col.2, lines 8-19 and col.6, line 25 to col.7, line 20); j) comparing information about the winning supplier's offered component to information about the requested component to determine whether the winning

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supplier's offered component is acceptable; and (k) if the winning supplier's offered component is acceptable, purchasing the winning supplier's offered component (col.2, lines 8-19 and col.6, line 25 to col.7, line 20); and (a) receiving a request for a requested component or service from a customer, (b) determining whether the requested component or service is available to be provided to the customer, (c) if the requested component or service is available to be provided to the customer, offering the requested component or service to the customer, (d) if the requested component or service is not available to be provided to the customer, conducting a reverse auction for the requested component or service among a plurality of suppliers, (e) notifying a plurality of suppliers of a desire to purchase a requested component or service and a target bid for the requested component or service, (f) receiving and reviewing a first supplier bid to sell an offered component or service in response to the request for the requested component or service, (g) if the first supplier bid is lower than the target bid, establishing the first supplier bid as the lowest bid, (h) receiving and reviewing an additional supplier bid to sell another offered component or service, (h1) if the additional supplier bid is lower than the lowest bid, updating the lowest bid to equal the additional supplier bid and notifying the supplier that made the previous lowest bid of the new lowest bid, (h2) if the additional supplier bid is higher than the lowest bid but lower than another supplier bid previously received, notifying the supplier that made the supplier bid that is immediately higher than the additional supplier bid of the additional supplier bid, and (i) repeating step (h) and substeps (h1) and (h2) until there are no additional supplier bids to review (col.2, lines 8-19 and col.6, line 25 to col.7, line 20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calonge in view of Meyers (7,085,740).

Calonge discloses the invention substantially as claimed; however, Calonge does not disclose receiving a proxy bid for a proposed sale of a requested component or service with an opening price and a minimum price to allow automatic successive rebidding by an established incremental amount until reaching said minimum price or the supplier wins the reverse auction. Meyers teaches a method for conducting auctions comprising disclose receiving a proxy bid for a proposed sale of a requested component or service with an opening price and a minimum price to allow automatic successive rebidding by an established incremental amount until reaching said minimum price or the supplier wins the reverse auction (col.9, lines 1-37; col.12, lines

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15-30; and col.16, lines 9-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate disclose receiving a proxy bid for a proposed sale of a requested component or service with an opening price and a minimum price to allow automatic successive rebidding by an established incremental amount until reaching said minimum price or the supplier wins the reverse auction, as taught by Meyers into the invention disclosed by Calonge, to provide an alternative means of bidding.

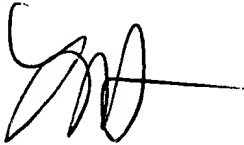
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lalita M. Hamilton', with a long horizontal stroke extending to the right.

Lalita M. Hamilton  
Primary Examiner, 3691